

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILMER B. GAY,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	
	:	
ROBERT D. SHANNON, et al.,	:	NO. 02-CV-4693
Defendants	:	

**ORDER**

AND NOW, this                      day of                      , 2005, upon  
consideration of Plaintiff's Motion for Summary Judgment, and Major  
Mooney's Response thereto, it is hereby ORDERED that Plaintiff's Motion  
for Summary Judgment is DENIED.

BY THE COURT:

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NORMA L. SHAPIRO,                      S.J.

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**RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

Defendant Mooney opposes Plaintiff's Motion for Summary Judgment, and incorporates by reference his Cross Motion for Summary Judgment in support of his Response in Opposition.

Accordingly, Plaintiff's Motion for Summary Judgment should be DENIED as set forth in the proposed Order.

THOMAS W. CORBETT, JR.  
ATTORNEY GENERAL

BY: /s/ Patrick J. McMonagle  
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Chief, Litigation Section

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**CERTIFICATE OF SERVICE**

I, Patrick J. McMonagle, Deputy Attorney General, hereby certify that a true and correct copy of the Commonwealth Defendant's Response in Opposition to Plaintiff's Motion for Summary Judgment was filed electronically and is available for viewing and downloading from the ECF system as of October 11, 2005. I further certify that a true and correct copy of said document was mailed on October 12, 2005:

Wilmer Gay  
Inmate AF-2709  
State Correctional Institution - Huntingdon  
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